

No. 12,257

IN THE

United States Court of Appeals
For the Ninth Circuit

EDWARD R. BIGGS, JOHN R. HECTOR, H. J.

LUEDER and MARTIN M. MORENO,

Appellants,

VS.

JOSHUA HENDY CORPORATION,

Appellee.

PETITION TO INTERVENE.

H. G. MORISON,

Assistant Attorney General,

FRANK J. HENNESSY,

United States Attorney,

EDWARD H. HICKEY,

MARVIN C. TAYLOR,

Attorneys, Department of Justice.

FILED

AUG 31 1950

PAUL P. O'BRIEN,

No. 12,257

IN THE

**United States Court of Appeals
For the Ninth Circuit**

EDWARD R. BIGGS, JOHN R. HECTOR, H. J.
LUEDER and MARTIN M. MORENO,
Appellants,

VS.

JOSHUA HENDY CORPORATION,
Appellee.

PETITION TO INTERVENE.

*To the Honorable William Denman, Chief Judge, and
to the Honorable Associate Judges of the United
States Court of Appeals for the Ninth Circuit:*

Pursuant to the order of this Court dated July 26, 1950, entitled "ORDER FIXING TIME WITHIN WHICH UNITED STATES MAY PETITION TO INTERVENE AND TO FILE BRIEF IN RESPONSE TO OPINION OF JUNE 28, 1950", the United States hereby petitions to intervene for the purpose of filing the brief submitted herewith in support of the constitutionality of the Fair Labor Standards Act Amendments of 1949, Act of October 26, 1949, Public Law 393, 81st Cong., 1st Sess.

The interest of the United States arises principally from the circumstance that the case of *Duane Moss, et al., Appellants v. Hawaiian Dredging Co., et al., Appellees*, and thirty-one cases consolidated therewith, are now pending on appeal in this Court, under Docket No. 12571, under an oral stipulation that a decision of this Court sustaining the constitutionality of said statute will dispose of the appeal in these thirty-two cases and result in an entry of judgment for the defendants in said cases. The issue is similarly involved in a large number of other cases defended by the United States on the basis of the constitutionality of the statute.

Dated, August 30, 1950.

H. G. MORISON,

Assistant Attorney General,

FRANK J. HENNESSY,

United States Attorney,

EDWARD H. HICKEY,

MARVIN C. TAYLOR,

Attorneys, Department of Justice.